

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
AT KANSAS CITY**

BILLIE RODRIGUEZ, DANIEL ERWIN,
MICHAEL B. ACKERMAN, KYLE
FOREMAN, DREW SCRUGGS, MARY
KANE MCQUEENY, EMILY THORPE,
JENNIFER TRITT, and THE BOARD OF
COUNTY COMMISSIONERS OF THE
COUNTY OF FORD, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

EXXON MOBIL CORPORATION,
CHEVRON U.S.A. INC., CHEVRON
PHILLIPS CHEMICAL COMPANY LP,
DUPONT de NEMOURS, INC., DUPONT
CORPORATION, CELANESE
CORPORATION, DOW INC., DOW
CHEMICAL COMPANY, EASTMAN
CHEMICAL COMPANY,
LYONDELLBASELL INDUSTRIES, N.V.,
and AMERICAN CHEMISTRY COUNCIL,

Defendants.

And

STATE OF KANSAS, *ex rel.* KRIS W.
KOBACH, Attorney General,

Defendant-Intervenor.

Case No. 4:24-00803-SRB

ORAL ARGUMENT REQUESTED

**DOW INC. AND DUPONT DE NEMOURS, INC.'S
MOTION TO DISMISS PURSUANT TO RULE 12(B)(2)**

Defendants Dow Inc. and DuPont de Nemours, Inc., pursuant to Federal Rule of Civil Procedure 12(b)(2), file this Motion to Dismiss Plaintiffs' Amended Class Action Complaint [Doc. 48]. In support of this Motion, Defendants Dow Inc. and DuPont de Nemours, Inc. rely on their

Suggestions in Support and the Declarations of Shandell Massey and Allison A. Schaper (filed herewith). As discussed in the Suggestions in Support, Missouri lacks personal jurisdiction over Defendants Dow Inc. and DuPont de Nemours, Inc. for all counts of Plaintiffs' Amended Class Action Complaint.

Accordingly, Defendants Dow Inc. and DuPont de Nemours, Inc. respectfully request this Court dismiss Plaintiffs' Amended Class Action Complaint for lack of personal jurisdiction.

Respectfully submitted,

Dated: March 10, 2025

/s/ Kara T. Stubbs

Kara T. Stubbs MO# 43414
BAKER STERCHI COWDEN & RICE LLC
2400 Pershing Road, Suite 500
Kansas City, MO 64108
Telephone: 816-471-2121
Facsimile: 816-472-0288
stubbs@bakersterchi.com

and

Nader R. Boulos, P.C. (Admitted *pro hac vice*)
Daniel E. Laytin, P.C. (Admitted *pro hac vice*)
Jonathan Adair (Admitted *pro hac vice*)
KIRKLAND & ELLIS LLP
333 West Wolf Point Plaza
Chicago, IL 60654
Telephone: 312-862-2198
Facsimile: 312-862-2000
Nader.boulos@kirkland.com
Daniel.laytin@kirkland.com
Jonathan.adair@kirkland.com

***Counsel for Defendant
DuPont De Nemours, Inc.***

Dated: March 10, 2025

/s/ Robert J. Hoffman

Robert J. Hoffman MO# 76565
Robert M. Thompson MO# 38156
Grace E. Martinez MO# 70921
BRYAN CAVE LEIGHTON PAISNER
One Kansas City Place
1200 Main Street, Suite 3800
Kansas City, MO 64105
Telephone: 816-374-3229
Facsimile: 816-374-3300
Bob.hoffman@bclplaw.com
Rmthompson@bclplaw.com
Grace.martinez@bclplaw.com

and

Nader R. Boulos, P.C. (admitted *pro hac vice*)
Daniel E. Laytin, P.C. (admitted *pro hac vice*)
Jonathan N. Adair (admitted *pro hac vice*)
KIRKLAND & ELLIS LLP
333 West Wolf Point Plaza
Chicago, IL 60654
Telephone: 312-862-2000
Facsimile: 312-862-2200
Nader.boulos@kirkland.com
Daniel.laytin@kirkland.com
Jonathan.adair@kirkland.com

and

Matthew J. Blaschke (*Pro Hac Vice* to be filed)
Bailey J. Langner (*Pro Hac Vice* to be filed)
KING & SPALDING LLP
50 California Street, Suite 3300
San Francisco, CA 94111
Telephone: 415-318-1200
Facsimile: 415-318-1300
Bblaschke@kslaw.com
Blangner@kslaw.com

***Counsel for Defendant
Dow Inc.***

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing was filed with the Clerk of the Court using the CM/ECF system on this 10th day of March 2025, which will send notification of the same to all counsel of record.

/s/ Kara T. Stubbs

Kara T. Stubbs